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**From:** Cooper, Monte [MCOOPER@ORRICK.COM]  
**Sent:** Monday, June 19, 2006 3:04 PM  
**To:** Esquenet, Margaret; Hornick, John; Rinaldi, Cynthia; Schoenfeld, Meredith  
**Cc:** dan.hampton@hklaw.com; annette.hurst@hellerehrman.com; Sadasivan, Bhanu;  
Facebook/Connectu - OHS and Co-Counsel; Hawk, Robert B.  
**Subject:** Summary of Meet-and-Confer

Margaret and Meredith:

Thank you for taking the time today to meet-and-confer regarding the dispute concerning the depositions of Tyler and Cameron Winklevoss set out in the parties' various letters from last week. As I understand the discussion, you offered to make Cameron and Tyler available for a deposition this week, either by telephone or in New Jersey, without conditioning such appearance on Defendants' response to Interrogatory No. 28 (as had been previously asserted in ConnectU's earlier correspondence). As I informed you, with the responsibilities attendant with the hearing on June 22, 2006, as well as commitments by others to other matters, the Facebook Defendants cannot accommodate that appearance, and effectively must take the deposition in Boston at this point. Moreover, I noted that logistically we do not believe a deposition by telephone will work under any circumstance.

I inquired about ConnectU's willingness to jointly request with the Facebook Defendants to contact the Court to move the hearing back one-two weeks, so that Cameron and Tyler can be made available for depositions in Boston at least five business days before such new hearing. As I understand your last comment, you are presently disinclined to make any request to change the hearing date, but will get back to us presently.

In the event that the parties remain at an impasse, I believe we may need to contact the Court anyway late today or tomorrow to determine how the Court views the dispute, and how (and whether) it will allow the introduction of the Declarations without permitting Facebook the depositions on the terms it has requested and noticed. If we do seek to contact the Court, we will notify you so that someone from your team also can participate. It currently appears that based on his calendar, to be able to reach Magistrate Judge Collings, the parties would need to contact him after 4:00 p.m. EST today, or before 10:30 a.m. EST tomorrow.

Anyway, thank you again for taking the time today to discuss these issues with me.

Monte

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